

1 Q And, what did you do next?

2 A I contacted ah, the DPS investigation and inquired who
3 was handling the bank robbery case and I was informed
4 it was, ah Detective Charley Patris.

5 Q Now, and can you just tell us the results of your
6 information sharing with Detective Patris regarding the
7 bank robbery?

8 A I provided him the information that I had received and
9 he informed me that he had recently also received some
10 information about the beach boys being involved, and
11 ah, that he was gonna get up -- get back with me so
12 that we can sit down and, ah discuss further about the
13 investigation of the bank robbery.

14 Q Now, around the time that you're consulting with
15 Detective Patris, did DPS reorganize its efforts in
16 connection with investigating the bank robbery and some
17 other crimes?

18 A That's correct.

19 Q What happened?

20 A DSP formed a Task Force to address a string of
21 robberies, the burglaries and the break-ins of vehicles
22 at the tourist sites.

23 Q And, was one of the types of robberies that this Task
24 Force was set up to investigate these armed robberies
25 of the poker arcades, poker parlors here in Saipan?

1 A That's correct.

2 Q Now, did that Task Force, how should we say it, get a
3 break or develop a lead on the bank robbery case?

4 A Yes, they did.

5 Q What happened?

6 A When one of the investigators assigned to the Task
7 Force got some lead, the bank robbery case was
8 reassigned to the Task Force, it was assigned to
9 Detective Jesse Dubrall.

10 Q And, after the time that Detective Dubrall was assigned
11 to work on the bank robbery in addition to his other
12 responsibilities on the Task Force, did you work in
13 consultation with Detective Dubrall to try and further
14 the bank robbery investigation?

15 A I did.

16 Q By the way, is Detective Dubrall available to testify
17 here today?

18 A No, he's not.

19 Q And, would you just explain to the Grand Jurors why
20 Detective Dubrall can't be here?

21 A Jesse Dubrall is currently at Louisiana for his Army
22 Reserve training.

23 Q Okay, is he still assigned to the investigation and
24 will be available if necessary at future dates?

25 A Yes, he will.

1 Q Now, why don't you tell us what the break was that
2 Jesse Dubrall got that caused the bank robbery
3 investigation to be reassigned to the Task Force?

4 A He had a -- also had received information that the
5 beach boys were involved in the bank robbery and ah,
6 through his investigation had also got the name Lionel.
7 Further into the investigation, Jason Ruluket was
8 arrested for disturbing the peace in Garapan and Jesse
9 had known Jason as being part of the beach boys and had
10 asked him about his knowledge about the robberies.

11 Q Before we get to Jason Ruluket's statement, I'd like to
12 ask you about whether or not Jesse Dubrall obtained
13 information from someone named Robert Fanway?

14 A Yes.

15 Q All right, and what happened in connection with Robert
16 Fanway in his statement?

17 A Ah during the interview of Robert Fanway, it was
18 learned that ah, Robert Fanway made a statement that
19 Vann Le had told him that two of his local boys was
20 involved in the robbery and that Lionel almost, ah peed
21 in his pants during the robbery.

22 Q Why don't we take a look at Fanway's statement? He
23 gave a written statement, is that correct?

24 A That's correct.

25 OFF/ON RECORD - Continued on Side B.

1 Q Okay, there's no sticker on this, but let's designate
2 this as Grand Jury Exhibit No. 1 and we'll sticker a
3 hard copy shortly, so this is a written statement
4 signed by Robert Fanway indicating that it was done on
5 September 6th, 2002 by Detective George David, correct?

6 A That's correct.

7 Q All right, and there's -- was Robert Fanway under
8 arrest at this time? On a firearms charge?

9 A Yes, he was.

10 Q All right, as we can see there on the second question
11 and answer, do you know why you've been arrested,
12 answer, because of the illegal handgun. And, there's
13 some information here about Robert Fanway's case, as
14 you understand it is he currently charged in a case in
15 Commonwealth Superior Court on the firearms charge?

16 A Yes, he is.

17 Q Okay, so what I'd like to do is just skip over to after
18 some information about Vann, okay. And let's just --
19 I'll read the question on these two that are
20 highlighted here on Grand Jury No. 1, the Fanway
21 statement, and you read the answers, please. Question
22 is there anything else you know about Vann?

23 A Yeah, on the night of September 29, I was at Vann's
24 house in Lower Navy Hill. Sometime around 8:30 to 9:00
25 p.m., Roland Kapileo and Lionel came to Vann's house,

1 called him to join them in robbing a poker place. Vann
2 did not want to follow them, so those two left. Vann
3 told me that those two always talk about doing
4 something, but when they are going to do it, they get
5 scared. Vann was telling me about the robbery in
6 February, Lionel almost peed, urinate in his pants.

7 Q Question: Which robbery was Vann talking about that
8 occurred in February?

9 A A bank robbery. I do not know the name, he just said
10 that it was the February bank robbery, this year. On
11 the same night, sometime around 12:00 or 1:00 a.m., he
12 called me and said he was going to show me something.
13 We rode in his black color BMW sedan, he took me to
14 Susupe, and showed me the Joeten Store. He told me
15 that he was going to rob the machine in Joeten Susupe
16 store. He also drove to the Nauru Building and told me
17 that he was going to rob the machine outside of Bank of
18 Hawaii. Vann then drop me back to my apartment in
19 Angel's Wings.

20 Q Okay, and if we could just focus you in on this, this
21 is, I'm just gonna highlight this portion? Then the
22 question was asked, what else do you know about Vann?

23 A Vann sometimes said that he has killed a lot of people,
24 but he doesn't say where he killed them. He told me
25 this when Roland threw rice to me at the beach. Vann

1 told me that I should not allow them to push me around
2 and he told me not to allow if they are going to keep
3 doing it. Vann told me that he already beat up Roland
4 and elbowed his neck. Vann said he could call his
5 father and he would send him his people to kill
6 someone.

7 Q Okay, so fair to say from this statement, some
8 indication by Vann Le to Robert Fanway that a bank was
9 robbed and that Lionel was one of the robbers but that
10 not specific information about the bank or the date?

11 A That's correct.

12 Q And, in fact, the date as indicated in the statement
13 was off, February?

14 A That's correct.

15 Q Did you, after comparing notes with DPS, conduct
16 further investigation to attempt to corroborate the
17 source information and now the Robert Fanway
18 information about the Vann Le and others participation
19 in the bank robbery?

20 A That's correct.

21 Q Now, you told us a minute ago that part of the -- under
22 the next break was that Jesse Dubrall interviewed
23 someone by the name of Jason Ruluket?

24 A That's correct.

25 Q Who is Jason Ruluket?

1 A Jason Ruluket is one, ah of the beach boys of Mas
2 Marine.

3 Q And, had Jason Ruluket been arrested on numerous
4 occasions in the past by DPS for various criminal
5 violations?

6 A That's correct.

7 Q Did Jason Ruluket give a statement to Jesse Dubrall on
8 or about November 26th of 2002?

9 A Yes, he did.

10 Q And, essentially, what did Jason Ruluket admit to you
11 in that statement regarding the bank robbery?

12 A Ah Jason Ruluket confessed to be one of the person that
13 was involved in the bank robbery.

14 Q Who did he say he did it with?

15 A Lionel.

16 Q In addition to Lionel, did he say that Vann Le and
17 Roland Kapileo were involved?

18 A Yes, he did.

19 Q Have you since learned that that statement is false?

20 A Yes.

21 Q And, how did you learn that?

22 A After ah, I arrested Jason, he provided the truthful
23 information of the bank robbery.

24 Q Let's just get the time line down. November 26th is
25 when Jason Ruluket gives the statement as you now tell

1 us falsely implicating himself and then indicating that
2 Vann Le and Lionel were involved and falsely
3 implicating Roland Kapileo, correct?

4 A That's correct.

5 Q I want to ask you first, when was -- withdrawn. What
6 efforts, after you got this statement, were made to
7 corroborate the information that Jason Ruluket had
8 given you?

9 A Jason Ruluket had agreed to cooperate with the law
10 enforcement and agreed to be wired to do -- ah conduct
11 a consensual recording.

12 Q Now, at the time that you're working with Jason Ruluket
13 to make tapes of conversations with others who were
14 involved, were you working on the assumption that Jason
15 Ruluket had been telling you the truth?

16 A That's correct.

17 Q And, just jumping forward, was it on January 10th of
18 2003 that Jason Ruluket admitted that the story in part
19 was made up?

20 A That's correct.

21 Q Okay, now tell us what the time line was of when Jason
22 made that story up and why he made it up, what
23 happened?

24 A Jason admitted that, ah in, ah November that he was
25 approached by Norman Kapileo at the Johnny's Bar and

1 Norman Kapileo had asked him to confess to the bank
2 robbery since Norman had just recently got married and
3 that he was supporting seven to eight stepchildren and
4 that it would have been -- it would be easier if Jason
5 Ruluket confess to it and get a shorter jail sentence.

6 Q Now, it doesn't sound like that's something anybody in
7 their right mind would do, confess to a serious crime
8 as a favor for someone else, what was the relationship
9 between Jason Ruluket and Norman Kapileo that would
10 cause him to do that?

11 A Norman Kapileo is Jason Ruluket's uncle.

12 Q And, was there any promise made to Jason Ruluket in
13 addition to just this relationship?

14 A Yes. Norman had promised him that if he confessed to
15 it and was arrested for it, that he was going to bail
16 him and act as a third-party custodian for him.

17 Q All right. Now, not knowing that at the time, did you
18 go forward and attempt to have Jason Ruluket make tapes
19 of other participants in the bank robbery and other
20 criminal activity in December of 2002?

21 A Yes.

22 Q Were those attempts successful?

23 A No, it wasn't.

24 Q Did there come a time when Jason Ruluket became
25 unresponsive and unhelpful in his efforts to make these

1 tapes?

2 A That's correct.

3 Q Approximately, when was that?

4 A Ah in December.

5 Q What happened during the week of December 18th, 19th, in
6 that vicinity, what happened?

7 A We had wired Jason up to, ah try and make a consensual
8 recording with -- on Lionel Borja. After we had
9 instructed him, I went out at the end of the day to
10 recover the recording device and Jason informed me that
11 he had forgotten it out at the beach. When we went to
12 recover it, Jason fled. The following morning, Special
13 Agent Mark Procopio and myself went out to the beach to
14 try and locate the recording device.

15 Q Was this some 29.95 Sony recorder that you were trying
16 to find?

17 A No, it wasn't.

18 Q How much was it, what type of recorder was it and why
19 was it important to you to get it back?

20 A It was a small digital recorder, approximately
21 \$2,500.00.

22 Q So, in other words, when you say digital, this is all
23 just a little no moving part solid state that can be
24 easily concealed?

25 A Yes, that's correct.

1 Q Were you able to find it?

2 A Yes, we did.

3 Q Where did you find it?

4 A Ah, we back tracked where Jason had been that day and
5 we found out that he was out in Managaha, so we decided
6 to go out there and ask the people that work on
7 Managaha if they had seen Jason the previous day, they
8 said they did, that he had left some trash by the
9 lifeguard station, so we inquired if the trash was
10 collected, they told us it was collected that morning,
11 so we went to where they had piled up the trash and
12 went through the trash bag and found the recording
13 device in the trash.

14 Q Has anyone reviewed that recording? Reviewed the
15 recording device? Or has that been set aside because
16 it's not clear that it can be reviewed lawfully?

17 A It has been set aside.

18 Q And, is that because you're familiar with the rules
19 regarding consent recordings where one party consents,
20 is that correct?

21 A That's correct.

22 Q But if that recording device was left unattended and it
23 picked up anybody's voice who happened to be near it,
24 that wouldn't be a consensual recording, that would be
25 an unlawful eavesdropping, correct?

1 A That's correct.

2 Q And, is that being maintained under seal at the FBI?

3 A Yes, it is.

4 Q Now, what happened on December 20th of 2002 regarding
5 Jason Ruluket?

6 A Jason Ruluket was arrested for the bank robbery and was
7 brought in.

8 Q And, you're still working on the assumption that he
9 actually did the bank robbery because he confessed to
10 it and his uncooperativeness was because he was an
11 unreliable informant more or less?

12 A That's correct.

13 Q Now, was contact made with Lionel Borja on December
14 20th of 2002?

15 A That's correct.

16 Q What happened?

17 A Ah Special Agent Mark Procopio and Detective Dubrall
18 approached Lionel and tried to interview him, Lionel
19 declined, but agreed to listen to what the investigator
20 had to say and also agreed to come in the following day
21 to talk to the U.S. Prosecutor.

22 Q And, did he appear at the U.S. Attorney's Office on the
23 next day, December 21st, 2002, and gave an interview?

24 A Yes, he did.

25 Q And, did your now former colleague Mark Procopio

1 prepare a memorandum of that report and attached a
2 brief statement that Lionel Borja wrote?

3 A Yes, he did.

4 Q I'm gonna put up on the screen, which we'll deem Grand
5 Jury Exhibit No. 2 in this investigation, the memo of
6 Lionel Borja's interview on December 21st. Is that
7 what this is?

8 A Yes, it is.

9 Q Okay, I'm going to just go to the portion where he
10 talks about his participation in the bank robbery which
11 we have highlighted here, and if you would read that
12 for us, please?

13 A Borja stated that he, Norman Kapileo, and Vann Le had
14 robbed the City Trust Bank. Kapileo was the individual
15 who carried and fired the handgun in the bank. Le was
16 seen by Borja with the gun at the robbery and knew that
17 Kapileo had returned it to him. Borja advised that he
18 and Kapileo went into the bank and that Le drove the
19 car to and from the robbery. Borja described them
20 going to the bank in a blue Volkswagen belonging to
21 Mark, the Bangladeshi. They were seen by a police
22 officer from SIS, then left the bank, returned to the
23 shooting gallery.

24 Q Let me just stop you there. Do you know whether anyone
25 at DPS recalls seeing that blue Volkswagen in the

1 vicinity of the bank that day?

2 A Yes.

3 Q Tell us about that, please?

4 A Ah, approximately, just before the bank robbery,
5 Detective Patris and former investigator Flores was ah,
6 walking toward the J's Restaurant when Patris had
7 noticed the vehicle and noted one of the individuals in
8 the vehicle as, ah one of the Kapileo brothers and, ah
9 Patris made it a point to walk close to the vehicle to
10 show the individuals in the vehicle that he had notice
11 them in the vehicle sitting, ah just south of the bank.
12 At that time, he just walked into the restaurant, had
13 lunch, when he got done with lunch, he went out and
14 noticed that the vehicle had left.

15 Q Is this the type of corroboration detail like this that
16 gives you confidence that Lionel Borja was telling the
17 truth in his statement?

18 A That's correct.

19 Q Please continue reading where you left off, they then
20 borrowed?

21 A They then borrowed LNU's white SUV -- Glenn LNU's white
22 SUV and returned to the bank. Kapileo--

23 Q Let me just -- LNU, that's a law enforcement
24 abbreviation for last name unknown?

25 A That's correct.

1 Q Okay, please continue?

2 A Kapileo and Borja went in the bank and announced that
3 they were robbing it. Where's the money! Most the
4 individuals just stood there and looked at them.
5 Kapileo then fired the pistol once, everybody started
6 moving. Borja jumped over the counter and started
7 looking for the vault. Le had told them that the vault
8 would be located right behind the counter. When Borja
9 got over the counter, he couldn't find the vault, then
10 he collected money from the teller's drawer into a
11 brownish handbag. Borja advised that he was wearing a
12 long sleeve shirt, Adidas tennis shoes and a t-shirt
13 over his head. Borja described Kapileo as wearing
14 black steel toe boots and a blue jacket also with a t-
15 shirt over his head. Neither individual was wearing
16 gloves. Borja was since -- Borja since destroyed the
17 clothes by burning -- them burning them in a location
18 that was later covered with cement. Borja stated that
19 they then ran out of the bank, around the back, and
20 left in a white SUV. Borja slipped as he was running
21 and going over a gate. Borja advised that the money
22 strap from the currency had broken and was left behind.
23 They then went to Le's house and counted the money on
24 the counter. Borja advised that Le and Kapileo split
25 over 6,000 each, but he didn't get any of the money.